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7 STEPHAN WAYNE RICHARDSON,
8 Plaintiff,
9 v.
10 EL CERRITO POLICE DEPARTMENT,
11 Defendant.

Case No. 24-cv-06102-KAW

ORDER TO SHOW CAUSE

Re: Dkt. No. 5

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13 On August 28, 2024, Plaintiff filed this civil action and application to proceed *in forma*
14 *pauperis*. On September 6, 2024, the Court granted Plaintiff's application to proceed *in forma*
15 *pauperis*. Pursuant to 28 U.S.C. § 1915(e)(2), the Court then screened Plaintiff's complaint and
16 found it deficient, finding that Plaintiff's complaint was "insufficient to satisfy Section 1915
17 review" because Plaintiff provided no facts to support his claim that his civil rights were violated.
18 (Dkt. No. 5 at 2.) The Court further noted that to the extent Plaintiff was relying on 18 U.S.C. §
19 3571 and 18 U.S.C. § 242, neither provision gave rise to civil liability. (*Id.*) The Court ordered
20 Plaintiff to file an amended complaint that provided the legal and factual basis for all claims by
21 October 11, 2024. (*Id.* at 3.) The Court warned that the failure to do so would result in the case
22 being reassigned to a district judge with the recommendation that the case be dismissed. (*Id.*)

23 To date, Plaintiff has not filed an amended complaint. Instead, on September 30, 2024,
24 Plaintiff filed "Document Title: Frivolous Defence [sic]," which stated that at an unknown time,
25 "the representative of the account of Stephan Wayne Richardson was placed in hand cuffs taken to
26 a detention facility." (Dkt. No. 8 at 1.) Plaintiff also stated that "the claimed party has falsified
27 documents in the past to back claims of fraud." Plaintiff also stated that he "was beaten, tazed,
28 adult napped, finger printed before court date, ridiculed by officers, mistreated, inflicted

1 depression, an[d] everything listed in master fee schedule[.]” (*Id.* at 2.)¹ Likewise, on November
2 5, 2024, Plaintiff filed a “Declaration on Damages,” which pertained to Plaintiff’s apparent
3 detention between October 30-31, 2024, *after* this lawsuit was filed. (Dkt. No. 9.)

4 Accordingly, the Court ORDERS Plaintiff to show cause, by **December 13, 2024**, why the
5 case should not be dismissed for failure to prosecute, and why he did not timely file the amended
6 complaint. Additionally, Plaintiff shall file the amended complaint. Failure to respond to the order
7 to show cause and file the amended complaint by the deadline will result in the Court reassigning
8 the case to a district judge with the recommendation that the case be dismissed.

9 Again, Plaintiff may wish to contact the Federal Pro Bono Project’s Help Desk for
10 assistance—a free service for pro se litigants—by calling (415) 782-8982 to make an appointment.
11 Plaintiff may also wish to consult the manual the court has adopted to assist pro se litigants in
12 presenting their case. This manual, and other free information for pro se litigants, is available
13 online at: <https://cand.uscourts.gov/pro-se-litigants/>.

14 IT IS SO ORDERED.

15 Dated: November 19, 2024



16 KANDIS A. WESTMORE
17 United States Magistrate Judge
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¹ The Court notes that even if it was to consider this “Document Title: Frivolous Defence” to be an amended complaint, it fails to state a claim as it includes no specific information about the complained of events.